

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SLADE GORTON & CO., INC.,

Plaintiff,

V.

ANTONIO BARILLARI, S.A.

Defendant.

CIVIL ACTION NO. 05-11366-MLW

**SLADE GORTON & CO., INC.'S THIRD MOTION
TO ENLARGE TIME TO EFFECT SERVICE ABROAD**

Pursuant to Fed. R. Civ. P. 6(b), plaintiff, Slade Gorton & Co., Inc. (“Slade Gorton”), respectfully moves for an enlargement of time to effect service abroad on the defendant, Antonio Barillari, S.A. (“Barillari”). As grounds for this Motion, Slade Gorton refers to the supporting memorandum submitted herewith, and briefly states as follows:

1. On August 3, 2006, this Court issued an order extending the time for Slade Gorton to serve Barillari to November 10, 2006.

2. Upon information and belief, notice of Slade Gorton's claim was served on Barillari in September 2005, but Barillari challenged Slade Gorton's notice on the basis that a formal requirement related to the translation of the documents had not been satisfied. Upon information and belief, the Argentinean court denied Barillari's challenge, and also rejected a subsequent appeal by Barillari. It would appear, therefore, that notice has been effectively served. Slade Gorton believes that the documentation confirming this service is in the possession of the Argentinean Ministry of Foreign Affairs.

3. Slade Gorton has learned that the Ministry of Foreign Affairs estimates that confirmation of service will be sent back to the United States for filing in this Court no later than

the week of November 6, 2006, but it is possible that the confirmation might not be received in time to meet the Court's November 10, 2006 deadline.

4. Slade Gorton, therefore, seeks an extension of the Court's November 10, 2006 deadline to allow Slade Gorton time to receive confirmation of service from the Argentinean Ministry of Foreign Affairs, and file it in this Court pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents. If the Court is disinclined to grant such an extension, then, in the alternative, Slade Gorton hereby requests a status conference to discuss the possibility of seeking a default judgment in this matter, as permitted by the Hague Convention..

5. This Motion to Enlarge Time is brought in good faith and is not interposed for delay or any other improper purpose. The enlargement requested by Slade Gorton will not prejudice Barillari and is in the interests of justice.

WHEREFORE, Slade Gorton hereby requests that the Court allow this Motion and enlarge the time for effecting service on Barillari until such date as the Court deems appropriate.

Respectfully submitted,
SLADE GORTON & CO.
By its attorneys,

/s/ Amy B. Abbott

Jeffrey S. King (BBO No. 559000)

jking@kling.com

Amy B. Abbott (BBO No. 648072)

aabbott@kling.com

KIRKPATRICK & LOCKHART

NICHOLSON GRAHAM LLP

State Street Financial Center

One Lincoln Street

Boston, MA 02111

(617) 261-3100

Dated: November 8, 2006

LOCAL RULE 7.1 (A)(2) CERTIFICATE

Because Slade Gorton has been unable to effect service of the summons and complaint in this matter, Slade Gorton submits this Motion for consideration *ex parte*. Accordingly, Slade Gorton is unable to confer with Barillari's counsel as prescribed by Local Rule 7.1(A)(2).

/s/ Amy B. Abbott

Amy B. Abbott

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent, via First Class mail, postage prepaid, to those non-registered participants on the 8th day of November, 2006.

/s/ Amy B. Abbott

Amy B. Abbott